

REMARKS

In view of the above amendments and the following remarks, reconsideration is requested.

By this amendment, claims 31-38 have been canceled in favor of new claims 39-54.

New claims 39-46 are claims 31-38 with amendments to the independent claims to effect the following changes in the last paragraph of the claims:

Claims 39, 43: “[when] after the quality of the data stream [is] continues being lower than a predetermined acceptable quality for a predetermined period of time.”;

Claims 41, 45: “[when] after the error rate of the data stream [is] continues being higher than a predetermined error rate for a predetermined period of time.”

Support for these claim recitations can be found at least at: Fig. 65, and column 49.

Claims 47-54 differ from claims 39-46, respectively, in reciting that the signal is a “TV” signal rather than an “HDTV” signal. Support for these claims recitations can be found at least at: Fig. 65 and column 49, lines 20-24.

The Examiner repeated the rejection of claims 31-38 under 35 U.S.C. 103(a) as being unpatentable over Tsinberg in view of Tanaka. This rejection is traversed and is not applicable to claims 39-54 for the following reasons.

Each of the independent claims 39, 41, 43, 45, 47, 49, 51, and 53 includes recitations drawn to examining quality, or detecting an error rate, and stopping outputting of an HDTV signal after the quality continues being lower than a predetermined acceptable quality for a predetermined period of time or after the error rate continues being higher than a predetermined error rate for a predetermined period of time.

The Examiner states that Tsinberg fails to teach a controller operable to examine the quality of the data stream, an output unit operable to output the HDTV signal and to stop outputting the HDTV signal when the quality of the data stream is lower than a predetermined acceptable quality for a predetermined period of time. The Examiner thus relies on the secondary reference Tanaka.

Tanaka provides no disclosure regarding any action to be taken or action to be stopped after the quality of a data stream continues being lower than an acceptable quality for a

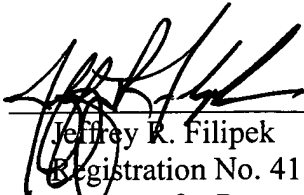
predetermined period of time or after the error rate of a data stream continues being higher than a predetermined error rate for a predetermined period of time as recited in the pending claims.

Tanaka discloses a system in which errors in an audio signal are detected based on the use of an error correcting code. The system of Tanaka counts the number of errors that occur between each synchronization signal in the audio signal. When the number of errors exceeds a first predetermined threshold, the audio signal is muted. The number of errors is then counted again for each subsequent synchronization period. The audio signal continues to be muted as long as the error count for each subsequent synchronization period is not below a second, lower, threshold. When the error count is below the second threshold, the audio signal is un-muted.

However, Tanaka does not disclose muting the audio signal after the quality of the signal continues being below a predetermined acceptable quality for a predetermined period of time, or after the error rate continues being higher than a predetermined error rate for a predetermined period of time. Rather, in the system of Tanaka, once the number of errors exceeds a predetermined threshold number, the audio signal is muted. Tanaka does not analyze whether the number of errors continues being above the predetermined number for a predetermined period of time, only whether or not the predetermined number of errors has been exceeded. Accordingly, a combination of Tanaka with Tsinberg would not result in the inventions recited in any of claims 39-54 of the present application. Moreover, it would not have been obvious to modify the applied references in such a way that the inventions recited in any of claims 39-54 would result. Therefore, it is submitted that claims 39-54 are allowable over the prior art of record.

Respectfully submitted,

Mitsuaki OSHIMA et al.

By: 
Jeffrey R. Filipek
Registration No. 41,471
Attorney for Patentees

JRF/fs
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
January 12, 2006